# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 9398 of 1999

**For Approval and Signature:**

**HON'BLE MR JUSTICE KS JHAVERI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**BAVA BHIKHA CHAVDA & 6 - Petitioner(s)**

**Versus**

**STATE OF GUJARAT & 2 - Respondent(s)**

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**Appearance :**

MR TR MISHRA for Petitioner No(s).: 1,2,3,4,5,6.
MR KL PANDYA A.G.P. for Respondent No(s).: 1.
RULE SERVED for Respondent No(s).: 2.

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**CORAM :HON'BLE MR JUSTICE KS JHAVERI**

**Date : 27/06/2005**

**ORAL JUDGMENT**

1. This petition is directed against the order dated 31st December, 1996, passed by the Labour Court, Rajkot in Reference [L.C.R.] Nos. 961 of 1989 & 1147/1989 to 1152 of 1989, whereby the Labour Court has granted reinstatement in service with 25% back wages.

2. The short facts of the case are that the petitioners were initially working as Security Guards with respondent no. 2. It is the case of the petitioners that they were terminated from the service without following any procedure under the Industrial Disputes Act, 1947.

2.1. Being aggrieved by the termination order, the petitioners raised an industrial dispute which was ultimately referred to the Labour Court, Rajkot for adjudication. The Labour Court, after considering the case on merits, allowed the Reference and granted reinstatement in service with 25% back wages. It is the case of the petitioners that being aggrieved by the said order, the respondents challenged the said award before this Court, whereby this Court vide order dated 1st December, 1996 upheld the direction with regard to reinstatement in service and stayed the direction with regard to 25% back wages.

2.2. It is the case of the petitioners they had put in more than 15 years of service, and though there are several Notifications and Government Resolutions with regard to regularization and grant of pay they were denied the regular scale of pay. Hence, this petition.

3. Mr. Mishra learned advocate for the petitioners has submitted that the Labour Court has erred in not

granting full back wages. He has further submitted that though there are several Notifications and Government Resolutions with regard to regularization and grant of Pay scale they were denied the regular scale of pay.

4. I have heard the learned advocates for the respective parties and have perused the materials placed on record. It is required to be noted that the Labour Court has awarded 25% back wages on the premise that petitioner no.1 herein had deposed before the Labour Court that they were earning during the interim period by doing miscellaneous work. In my opinion, the Labour Court has rightly awarded 25 % back wages since one of the petitioners had deposed that they were earning during the said period. Thus, I am in complete agreement with the reasonings given by the Labour Court in its impugned order and find no reason to interfere in this petition.

5. In the result, the petition is dismissed. The impugned award of the Labour Court is confirmed. Rule is discharged with no order as to costs.

**[K.S. JHAVERI, J.]**

/phalguni/